

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 292

SENATE BILL 1455

AN ACT

AMENDING SECTION 49-461, ARIZONA REVISED STATUTES; AMENDING SECTION 49-511, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 1992, CHAPTER 299, SECTION 56; AMENDING SECTION 49-511, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2000, CHAPTER 194, SECTION 7; RELATING TO AIR QUALITY; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 49-461, Arizona Revised Statutes, is amended to
3 read:

4 49-461. Violations; order of abatement

5 When the director has reasonable cause to believe that any person has
6 violated or is in violation of any provision of this article, any rule
7 adopted pursuant to this article or any requirement of a permit issued
8 pursuant to this article, he may serve upon such person by certified mail or
9 in person an order of abatement or may file a complaint in superior court
10 alleging a violation pursuant to section 49-463. The order shall state with
11 particularity the act constituting the violation, shall state in its entirety
12 the specific requirement, provision or rule violated, shall state the
13 duration of the order and shall state that the alleged violator is entitled
14 to a hearing, if such hearing is requested in writing within thirty days
15 after the date of issuance of the order. The order may be conditional and
16 require a person to refrain from particular acts unless certain conditions
17 are met. An order issued under this section shall require the persons to
18 whom it is issued to comply with the requirement, provision or rule as
19 expeditiously as practicable. In the case of a source required to obtain a
20 permit pursuant to this article and title V of the clean air act, the order
21 shall require compliance no later than one year after the date the order was
22 issued, ~~and shall MAY be nonrenewable~~ RENEWABLE FOR NO MORE THAN ONE
23 ADDITIONAL YEAR ON A SHOWING OF GOOD CAUSE TO THE DIRECTOR. THE DIRECTOR
24 SHALL REPORT ANNUALLY, BY DECEMBER 1, TO THE GOVERNOR, THE PRESIDENT OF THE
25 SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE DIRECTOR OF THE
26 ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ON THE SOURCES THAT ARE
27 ISSUED AN ORDER OF ABATEMENT OR A RENEWAL PURSUANT TO THIS SECTION. THE
28 REPORT SHALL INCLUDE SUMMARY INFORMATION ABOUT THE SOURCE AND THE ORDER. IF
29 THE ORDER WAS RENEWED, THE REPORT SHALL ALSO INCLUDE A SUMMARY OF THE
30 JUSTIFICATION FOR THE RENEWAL. THE DIRECTOR SHALL PUBLISH THE FOLLOWING
31 INFORMATION ON THE DEPARTMENT'S INTERNET WEBSITE:

32 1. A NOTICE THAT AN ABATEMENT ORDER HAS BEEN ISSUED PURSUANT TO THIS
33 SECTION AND SUMMARY INFORMATION ABOUT THE ORDER.

34 2. A NOTICE THAT AN ORDER OF ABATEMENT HAS BEEN RENEWED PURSUANT TO
35 THIS SECTION AND SUMMARY INFORMATION ABOUT THE RENEWAL.

36 Sec. 2. Section 49-511, Arizona Revised Statutes, as amended by Laws
37 1992, chapter 299, section 56, is amended to read:

38 49-511. Violations; order of abatement

39 When the control officer has reasonable cause to believe that any
40 person has violated or is in violation of any provision of this article, any
41 rule adopted pursuant to this article or any requirement of a permit issued
42 pursuant to this article, he may serve upon such person by certified mail or
43 in person an order of abatement or may file a complaint in superior court
44 alleging a violation pursuant to section 49-513. The order shall state with

1 particularity the act constituting the violation, shall state in its entirety
2 the certain requirement, provision or rule violated, shall state the duration
3 of the order and shall state that the alleged violator is entitled to a
4 hearing, if such hearing is requested in writing within thirty days after the
5 date of issuance of the order. The order may be conditional and require a
6 person to refrain from particular acts unless certain conditions are met. An
7 order issued under this section shall require the persons to whom it is
8 issued to comply with the requirement, provision or rule as expeditiously as
9 practicable. In the case of a source required to obtain a permit pursuant
10 to this article and title V of the clean air act, the order shall require
11 compliance no later than one year after the date the order was issued, and
12 shall MAY be nonrenewable RENEWABLE FOR NO MORE THAN ONE ADDITIONAL YEAR ON
13 A SHOWING OF GOOD CAUSE TO THE CONTROL OFFICER. THE CONTROL OFFICER SHALL
14 REPORT ANNUALLY, BY DECEMBER 1, TO THE GOVERNOR, THE PRESIDENT OF THE SENATE,
15 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE DIRECTOR OF THE ARIZONA
16 STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ON THE SOURCES THAT ARE ISSUED AN
17 ORDER OF ABATEMENT OR A RENEWAL PURSUANT TO THIS SECTION. THE REPORT SHALL
18 INCLUDE SUMMARY INFORMATION ABOUT THE SOURCE AND THE ORDER. IF THE ORDER WAS
19 RENEWED, THE REPORT SHALL ALSO INCLUDE A SUMMARY OF THE JUSTIFICATION FOR THE
20 RENEWAL. THE CONTROL OFFICER SHALL PUBLISH THE FOLLOWING INFORMATION ON THE
21 COUNTY'S INTERNET WEBSITE:

22 1. A NOTICE THAT AN ABATEMENT ORDER HAS BEEN ISSUED PURSUANT TO THIS
23 SECTION AND SUMMARY INFORMATION ABOUT THE ORDER.

24 2. A NOTICE THAT AN ORDER OF ABATEMENT HAS BEEN RENEWED PURSUANT TO
25 THIS SECTION AND SUMMARY INFORMATION ABOUT THE RENEWAL.

26 Sec. 3. Section 49-511, Arizona Revised Statutes, as amended by Laws
27 2000, chapter 194, section 7, is amended to read:

28 49-511. Violations; order of abatement

29 A. When the control officer has reasonable cause to believe that any
30 person has violated or is in violation of any provision of this article, any
31 rule adopted pursuant to this article or any requirement of a permit issued
32 pursuant to this article, the control officer may serve upon such person by
33 certified mail or in person an order of abatement or may file a complaint in
34 superior court alleging a violation pursuant to section 49-513.

35 B. Except as provided in subsection E of this section, an order issued
36 pursuant to this section shall state the following:

37 1. With particularity, the act constituting the violation.

38 2. In its entirety, the certain requirement, provision or rule
39 violated.

40 3. The duration of the order.

41 4. That the alleged violator is entitled to a hearing, if the hearing
42 is requested in writing within thirty days after the date of issuance of the
43 order.

1 C. The order may be conditional and require a person to refrain from
2 particular acts unless certain conditions are met.

3 D. An order issued under this section shall require the persons to
4 whom it is issued to comply with the requirement, provision or rule as
5 expeditiously as practicable. In the case of a source required to obtain a
6 permit pursuant to this article and title V of the clean air act, the order
7 shall require compliance no later than one year after the date the order was
8 issued and shall MAY be nonrenewable RENEWABLE FOR NO MORE THAN ONE
9 ADDITIONAL YEAR ON A SHOWING OF GOOD CAUSE TO THE CONTROL OFFICER. THE
10 CONTROL OFFICER SHALL REPORT ANNUALLY, BY DECEMBER 1, TO THE GOVERNOR, THE
11 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE
12 DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS ON THE
13 SOURCES THAT ARE ISSUED AN ORDER OF ABATEMENT OR A RENEWAL PURSUANT TO THIS
14 SECTION. THE REPORT SHALL INCLUDE SUMMARY INFORMATION ABOUT THE SOURCE AND
15 THE ORDER. IF THE ORDER WAS RENEWED, THE REPORT SHALL ALSO INCLUDE A SUMMARY
16 OF THE JUSTIFICATION FOR THE RENEWAL. THE CONTROL OFFICER SHALL PUBLISH THE
17 FOLLOWING INFORMATION ON THE COUNTY'S INTERNET WEBSITE:

18 1. A NOTICE THAT AN ABATEMENT ORDER HAS BEEN ISSUED PURSUANT TO THIS
19 SECTION AND SUMMARY INFORMATION ABOUT THE ORDER.

20 2. A NOTICE THAT AN ORDER OF ABATEMENT HAS BEEN RENEWED PURSUANT TO
21 THIS SECTION AND SUMMARY INFORMATION ABOUT THE RENEWAL.

22 E. The control officer may enter into an order of abatement by
23 consent. The control officer may agree to accept monetary payments as part
24 of the negotiated terms of an order of abatement by consent. The terms of
25 an order of abatement by consent shall be determined by the agreement of the
26 parties.

27 Sec. 4. Conditional enactment

28 Section 49-511, Arizona Revised Statutes, as amended by Laws 2000,
29 chapter 194, section 7 and section 3 of this act, does not become effective
30 unless Laws 2000, chapter 194 becomes effective as provided in Laws 2000,
31 chapter 194, section 8.

APPROVED BY THE GOVERNOR MAY 1, 2001.


FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2001.



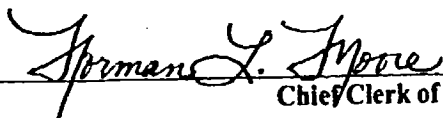
Passed the House April 09, 2001,

by the following vote: 42 Ayes,

16 Nays, 2 Not Voting



Speaker of the House

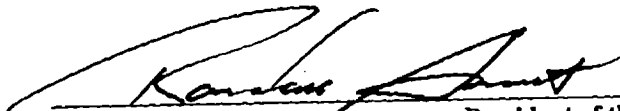


Chief Clerk of the House

Passed the Senate March 15, 2001,

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1455

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE
ON RECONSIDERATION

Passed the Senate April 25, 2001,

by the following vote: 19 Ayes,

9 Nays, 1 Not Voting

Handbook
President of the Senate

Chasmin B. Bunting
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

25 day of April, 2001,

at 3:30 o'clock P M.

Janet D. Harris
Secretary to the Governor

Approved this 27/28 day of

May, 2001,

at 9:48 o'clock U M.

Janice K. Hull
Governor of Arizona

S.B. 1455

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 1 day of May, 2001,

at 4:45 o'clock P M.

Patricia Bayless
Secretary of State